



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
on the 6th day of October, 1998

Served: October 9, 1998

Complaint of

UNITED AIR LINES, INC.

against

**THE EUROPEAN COMMISSION
AND NATIONAL IMPLEMENTING
AUTHORITIES**

under 49 U.S.C. § 41310

Docket OST-98-4030

ORDER

On July 8, 1998, United Air Lines, Inc., filed a complaint under 49 U.S.C. § 41310 against the European Commission (the Commission) and certain European national implementing authorities (of the Governments of Germany, Denmark, Norway, and Sweden) (the Commission and these governments are referred to collectively as the Respondents). United argues that sanctions against the Respondents are necessary to redress actions proposed by the Commission against United's alliances with Deutsche Lufthansa AG (Lufthansa) and Scandinavian Airline System (SAS) which will preclude United and its alliance partners from exercising rights specifically provided for under the open-skies aviation agreements between the United States and the individual European countries involved. United argues that such action is essential to ensure the continued viability of the U.S. Government's open-skies policy in Europe.¹

Section 41310 provides that the Department shall approve, deny, dismiss, or set a complaint for hearing, or institute other procedures proposing remedial action, within 60 days after receipt of the complaint. We may extend the period for taking action up to 90 days from the date of the

¹ We summarized the complaint more fully in Order 98-7-16, July 27, 1998.

complaint if we conclude that it is likely that the complaint can be resolved satisfactorily through negotiations. We may further extend the action deadline up to 180 days from receipt of the complaint, in 30-day increments, if we find that intergovernmental negotiations have progressed to a point that a satisfactory resolution of the complaint appears imminent.

By Order 98-7-16, the Department invited all interested parties to file answers to United's complaint in Docket OST-98-4030. Deutsche Lufthansa AG, Northwest Airlines, Delta Air Lines, Scandinavian Airlines System, American Airlines, the City and County of San Francisco, the City of Chicago and the Metropolitan Washington Airports Authority, and the Economic Strategy Institute filed answers. American and United filed replies. Northwest filed a rejoinder.²

By Order 98-9-2, the Department extended through October 6, 1998, the period for taking action on United's complaint in Docket OST-98-4030. In so doing, we cited an upcoming meeting with the European Commission at which the issues raised in United's complaint will be discussed. That meeting is expected to take place shortly. Given these circumstances, we believe that the public interest is best served by extending for 30 days the deadline for action on United's complaint to provide additional time to resolve this matter.

ACCORDINGLY,

1. We extend through November 5, 1998, the period for taking action on the complaint of United Air Lines, Inc., in Docket OST-98-4030;
2. We grant the motion of Northwest Airlines, Inc. for leave to file an otherwise unauthorized document; and
3. We will serve this order on Air Transport International LLC; American Airlines, Inc.; Amerijet International, Inc.; Arrow Air, Inc.; Challenge Air Cargo, Inc.; Continental Airlines, Inc.; Delta Air Lines, Inc.; DHL Airways, Inc.; Economic Strategy Institute; Emery Worldwide Airlines, Inc.; Evergreen International Airlines, Inc.; Federal Express Corporation; Northwest Airlines, Inc.; Polar Air Cargo, Inc.; Tower Air, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; United Parcel Service Company; US Airways, Inc.; World Airways, Inc.; Lufthansa German Airlines; Condor Flugdienst; Scandinavian Airlines System; Scanair; Maersk Air; Blue Scandinavia AB; Premiair A/S; Nova Airlines, AB; Deutsche BA Luftfahrtgesellschaft mbH; Eurowings Luftverkehrs AB; Hapag-Lloyd Fluggesellschaft; Lufthansa Cargo, AG; Transwede Airways AB; LTU Lufttransport-Unternehmen GmbH; Britannia Airways; Sterling; Air Sweden; Finnair Oy; the Ambassadors of the Delegation of the Commission of the European Communities, the Federal Republic of Germany, Norway, Denmark, and Sweden in Washington,

² Northwest's pleading was accompanied by a motion for leave to file an otherwise unauthorized document. We will grant the motion.

D.C.; the U.S. Department of State (Office of Aviation Negotiations); the Assistant U. S. Trade Representative (Office of the United States Trade Representative); the U.S. Department of Commerce (Office of Service Industries); the Air Transport Association, the City and County of San Francisco; the City of Chicago and the Metropolitan Washington Airports Authority.

By:

CHARLES A. HUNNICUTT
Assistant Secretary for Aviation
and International Affairs

(SEAL)

*An electronic version of this order is available on the World Wide Web at
<http://dms.dot.gov/general/orders/aviation>.*